

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TODD L. JOHNSON,

Plaintiff,

-v-

CLIFF MCCALLUM and RENEE
CASANAS,

Defendants.

23 Civ. 7879 (PAE) (GS)

OPINION & ORDER

PAUL A. ENGELMAYER, District Judge:

Plaintiff Todd L. Johnson, proceeding *pro se*, brings this action pursuant to *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against defendants Cliff McCallum, a contract security officer for the Federal Protective Service (“FPS”), and Renee Casanas, an FPS Inspector. His claims arise from his interactions with the defendants at a Social Security Administration (“SSA”) Office in Bronx, New York, in January 2023. His claims against McCallum sound in excessive force, and against Casanas sound in malicious prosecution and false arrest, the latter based on the issuance of a “United States District Court Violation Notice” that he contends lacked a factual basis. Dkt. 5 (“AC”).

Currently pending is Casanas’s motion to dismiss Johnson’s claims against him under Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim. Before the Court is the January 24, 2025 Report and Recommendation of the Hon. Gary Stein, United States Magistrate Judge, recommending that the Court grant the motion to dismiss and deny Johnson leave to further amend. Dkt. 35 (the “Report”). For the reasons that follow, the Court adopts the Report in its entirety.

DISCUSSION

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). When specific objections are made, “[t]he district judge must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); *United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir.1997). “To accept those portions of the report to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Ruiz v. Citibank, N.A.*, No. 10 Civ. 5950, 2014 WL 4635575, at *2 (S.D.N.Y. Aug. 19, 2014) (quoting *King v. Greiner*, No. 2 Civ. 5810, 2009 WL 2001439, at *4 (S.D.N.Y. July 8, 2009)); *see also, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003).

As no party has submitted objections to the Report, review for clear error is appropriate. Careful review of Judge Stein’s thorough and well-reasoned Report reveals no facial error in its conclusions; the Report, which is incorporated by reference herein, is therefore adopted in its entirety. The parties’ failure to file written objections, as noted in the Report, precludes appellate review of this decision.¹ *See Caidor v. Onondaga County*, 517 F.3d 601, 604 (2d Cir. 2008); *Small v. Sec’y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (per curiam). The Court therefore declines to issue a certificate of appealability, and certifies that any appeal from

¹ Because service on Johnson was made by mail, the Court extended such period for three days. *See* Fed. R. Civ. P. 6(d).

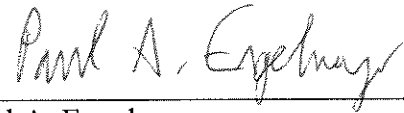
this order would not be taken in good faith; therefore, *in forma pauperis* status is denied for the purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 445 (1962).

CONCLUSION

For the foregoing reasons, the Court grants Casanas's motion to dismiss and dismisses Johnson's claims against him with prejudice. The Court also denies Johnson leave to further amend. This case remains within the able pretrial supervision of Judge Stein.

The Clerk of Court is respectfully directed to mail a copy of this decision to Johnson at the address on file.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: February 13, 2025
New York, New York